

*REMARKS/ARGUMENTS**Summary of the Office Action*

Claims 1-3 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,946,023 to Heinold et al. (hereinafter "Heinold") in view of U.S. Patent No. 4,492,168 to Cellai (hereinafter "Cellai"). Dependent claims 4-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Independent claims 14 and 15 are allowed.

Summary of the Interview

The Office Action dated May 18, 2007 has been carefully considered. Applicant acknowledges with appreciation the courtesy of the July 31, 2007 telephone interview between Examiner McCarry and Applicant's attorneys John Conklin and Dimitry Kapmar. During the interview, Applicant's attorneys proposed an amendment to independent claim 1 clarifying that the stop means recited in claim 1 is associated with each of the number of trucks, as opposed to a single stop member located at the end of the line and used to brake/stop a single piece of equipment as taught by Cellai. As the Examiner indicated in the Interview Summary dated August 3, 2007, "[t]his amendment reads over the present combination of the prior art of Heinold et al in view of Cellai." The amendment to claim 1 is formally presented in this amendment.

For the reasons discussed below in more detail, this application is in condition for allowance. Accordingly, favorable reconsideration in light of the following remarks is respectfully requested.

Status of the Application

Claims 1-15 are pending and presented for examination. Claim 1 has been amended in accordance with the agreement reached during the July 31, 2007 interview. Claim 10 has been amended to correct a typographical error. Support for the amendments of claim 1 is found on page 9, among others, of the application. Independent claims 16 and 17 are new. New claim 16 combines the subject matter of the presently allowed claim 15 with that of claim 5, while the new

claim 17 combines the subject matter of the presently allowed claim 15 with that of claim 10. No new matter has been introduced by the addition of these claims.

Discussion

Independent claim 1 pertains to an integrated conveyor system comprising a number of trucks and a number of independent modules. As clarified by this amendment to claim 1, *each* of the number of trucks within the conveyor system includes stop means “for forming ... a *train of trucks contacting one another* ... the train of trucks being *pushed along at a predetermined speed...*” See Application, page 9, lines 17-24. As illustrated in Figures 1 and 2 of the application, each of the trucks 5 comprises a stop means, which, in one embodiment, includes longitudinal bars 26 contacting adjacent longitudinal bars 26 on immediately following and preceding trucks 5, thereby forming a “train of carriages contacting one another”. *Id.*; Figures 1, 2. Furthermore, the formed train of carriages, or trucks, contacting one another via their respective stop means is a *mobile train of trucks*, as it is being pushed along by the powered belt 4. See Specification, page 9, lines 21-24; Figure 1.

In contrast to the invention as expressed by amended claim 1, none of the references cited in the Office action teach or suggest the stop means located on each of the trucks for forming a train of trucks contacting one another and being pushed along at a predetermined speed. Cellai teaches a self-propelled device that travels along a cable line and is able to transport loads or pull other cables. See Cellai, col. 1, lines 55-60. Specifically, Cellai teaches a single “stop member” located at the end of travel of the self-propelled equipment. See Cellai, col. 4, lines 50-52. Furthermore, the stop member of Cellai is not affixed to the equipment. Instead, it is attached “to the cable or elsewhere” and is used to strike and tilt the level 22 of the equipment to the “stop position,” (direction B, Figure 1) when the equipment reaches the end of its travel. See Cellai, col. 4, lines 50-57; Figure 1. This has the effect of decelerating the engine, uncoupling the engine from the transmission, and braking/stopping the equipment. *Id.* Thus, unlike Applicant’s stop means, the stop member of Cellai is a mere lever actuator. Additionally, unlike the stop means associated with *each* of the trucks in Applicant’s claimed invention, the stop member of Cellai (a) is a single stop member, (b) which is not affixed to the equipment, (c) which is located at the end of travel of the equipment, (d) which, therefore, can not used to form a train of trucks

contacting one another and being pushed along at a predetermined speed, and (e) which is instead used to stop the equipment altogether.

Furthermore, as the primary reference applied in the Office action, Heinold teaches away from employing Applicant's stop means because the spacing of successive pairs of teeth 21, 20 and 22, 23 in Heinold that push the trolleys along the conveyor 26 results in a minimum spacing between the trolleys, thereby precluding the need for the stop means at each trolley. *See* Heinold, col. 6, lines 27-43; Figure 1. In describing the operation of the conveyor, Heinold teaches that (a) "the length of the lower stretch of the conveyor 26 is approximately twice the length of a trolley 1," and (b) the "distance of the first pair of pins 20, 21 from the second pair of pins 22, 23 ... equals or approximates the length of the lower stretch of the conveyor." *Id.* at lines 30-33, 39-43. Logically, therefore, the distance between successive pairs of pins 20, 21 and 22, 23 of Heinold is approximately twice the length of each trolley 1. As shown in Figure 1, teeth 21 pull the trolley along the length of the belt 26. The next incoming trolley is pulled by the next pair of teeth 20, 21 spaced apart from the previous pair of teeth 20, 21 (and 22, 23) at a distance of twice the length of a trolley, thereby *leaving a distance of approximately one trolley between successive trolleys*.

In addition to being devoid of any teaching, express or inherent, or suggestion of a stop means as described in the amended claim 1, Heinold is not combinable with another reference on this subject. *See Winner International Royalty Corp. v. Wang*, 202 F.3d 1340 (Fed. Cir. 2000) (if a first prior art reference "did in fact teach away from [a second reference], then that finding alone can defeat [an] obviousness claim" based on a combination of the two references); *see also In re Gurley*, 27 F.3d 551 (Fed. Cir. 1994) (a "reference may be said to teach away when a person of ordinary skill, upon reading the reference, ... would be led in a direction divergent from the path that was taken by the applicant.").

Finally, even if their teachings are forcibly combined, Heinold and Cellai would at most produce a stationary train of trucks devoid of a stop means associated with each of the trucks. Hence, the asserted references, alone or in combination, lack the "stop means for forming ... a

train of trucks contacting one another” and “being pushed along at a predetermined speed,” as recited in independent claim 1.

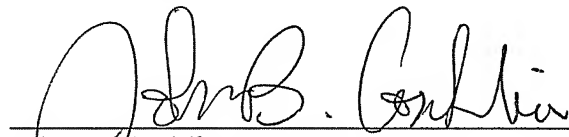
Likewise, dependent claims 2-13 incorporate all the requirements of their parent claim 1 and are patentable for at least the same reasons.

The Applicant further notes that new claims 16 and 17 incorporate all of the elements of the allowed claim 15 and are patentable for at least the same reasons as claim 15.

Conclusion

In summary, neither Heinold, nor Cellai, or any other prior art of record, either alone or in combination, teach or suggest the claimed invention as recited in claim 1. The Applicant respectfully submits that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the examiner is invited to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John B. Conklin", is written over a horizontal line.

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